

CLD-216

April 26, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **06-4341**

ROBERT W. HASSETT, III

v.

RICHARD KEARNEY, Warden,  
ET AL.

(D. Del. Civ. No. 05-cv-00609)

Present: RENDELL, SMITH AND JORDAN, CIRCUIT JUDGES

Submitted are:

- (1) Appellant's motion for a certificate of probable cause, which the Court may wish to construe as a motion for a certificate of appealability pursuant to 28 U.S.C. § 2253(c);
- (2) Appellant's motion under 28 U.S.C. § 2244, which the Court may treat as a memorandum in support of motion for certificate of appealability and appendix in support; and
- (3) Appellant's motion to amend/motion for insurance of certificate of probable cause/certificate of appealability

in the above-captioned case.

Respectfully,

Clerk

MMW/JLR/je/tmm

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**ORDER**

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The foregoing request for a certificate of appealability is denied. For substantially the reasons stated by the District Court, Appellant has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c) in connection with his claims of prosecutorial misconduct, ineffective assistance of counsel, and trial court error.

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Appellant also has not shown that the District Court's determination that he procedurally defaulted certain claims is debatable. Appellant's motion to amend/ motion for insurance of certificate of probable cause/certificate of appealability is denied.

By the Court,

/s/ D. Brooks Smith

Circuit Judge

Dated: June 7, 2007

PDB/cc: Robert W. Hassett III, Esq.

Elizabeth R. McFarlan, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk